

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BENJAMIN W. FAWLEY,

Petitioner,

v.

No. CV 18-943 MV/CG

DAVID JABLONSKI, SECRETARY, N.M.C.D.,
et al.,

Respondents.

ORDER TO CURE DEFICIENCY

THIS MATTER is before the Court on Petitioner's habeas corpus petition, (Doc 1), filed October 10, 2018. The Court determines that Petitioner's submission is deficient because Petitioner has not paid the \$5 filing fee or filed an Application to Proceed in District Court Without Prepaying Fees or Costs. Petitioner must cure this deficiency by November 14, 2018, by ***either*** paying the full \$5 filing fee ***or*** submitting an Application to Proceed in District Court Without Prepaying Fees or Costs with a certified copy of Petitioner's inmate account statement for the 6-month period immediately preceding this filing. See 28 U.S.C. § 1915(a)(2). Failure to cure the designated deficiency by November 14, 2018, may result in dismissal of this action without further notice.

IT IS THEREFORE ORDERED that, by **November 14, 2018**, Petitioner ***either*** pay the full \$5 filing fee ***or*** submit an Application to Proceed in District Court Without Prepaying Fees or Costs that includes a certified copy of Petitioner's inmate account statement for the 6-month period immediately preceding this filing.

IT IS FURTHER ORDERED that the Clerk is directed to mail Petitioner a copy of this order and 2 copies of an Application to Proceed in District Court Without Prepaying Fees or Costs with instructions.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', written over a horizontal line.

THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE